

App No: 020026

FEB 14 2006

Appn No: 10/687,478

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Patrick, et al. )  
Application No.: 10/687,478 )  
Filed: October 16, 2003 )  
For: PROCEDURE FOR ESTIMATING A  
PARAMETER OF A LOCAL MAXIMA OR  
MINIMA OF A FUNCTION )

DECLARATION UNDER 37 CFR 1.132 TO OVERCOME REFERENCE

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-14501

The undersigned, Douglas N. Rowitch, hereby declares as follows:

1. I am a joint inventor of the present application, referenced above.
2. I believe that the office action of September 14, 2005 rejected all claims under 102(e) based upon my U.S. Publication 2004/0043726 to Rowitch.
3. I am the sole named inventor of U.S. Publication 2004/0043726, and I conceived or invented the subject matter disclosed in that patent publication and relied on in the rejection.
4. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: February 14, 2006



Douglas N. Rowitch